REMARKS

Claims 1-5 are pending. Claims 1-5 have been amended. Support for the amended claims may be found in the specification and claims as originally filed. Thus, no new matter has been introduced.

A marked-up version of the amended claims showing the amendments is attached hereto as Appendix A. Matter that has been added is indicated by underlining. Matter that has been deleted is indicated by strikethroughs. A copy of the claims as pending after entry of this amendment is attached as Appendix B. Applicants respectfully request entry of the amendments and remarks made herein into the file history of the present application.

The Rejection Under 35 U.S.C. § 112, First Paragraph Should Be Withdrawn

Claims 1-5 are rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. The Examiner asserts that the specification allegedly fails to provide enablement for using pharmaceuticals comprising HVEM polypeptides. Without in any way conceding that "pharmaceutical composition" is not enabled, for the sole purpose of expediting prosecution of this application, and with fully reserving our rights to prosecute this subject matter in a subsequent patent application, Applicants have amended the claims such that the term "pharmaceutical composition" is no longer recited, thereby rendering the rejection moot.

In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

CONCLUSION

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the present application. Withdrawal of the Examiner's rejection and a notice of allowance are earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: June 18, 2003

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APPENDIX A
MARKED VERSION OF THE AMENDED CLAIMS
U.S. PATENT APPLICATION SERIAL NO. 09/924,231
ATTORNEY DOCKET NO. 7853-239

1. (amended) A ~~pharmaceutical~~ composition comprising:

(a) a ~~recombinant human HVEM~~ polypeptide that comprises the amino acid sequence of a polypeptide ~~, wherein said polypeptide is~~ encoded by a cDNA contained within ~~the~~ a plasmid selected from the group consisting of plasmid pBEC580, designated as ATCC No. 97236, plasmid pBEC 10, designated as ATCC No. 97235, and plasmid pBL58, designated as ATCC No 97237plasmid pBEC580, designated as ATCC No. 97236~~,~~ ; and

(b) a physiologically acceptable diluent.

2. (amended) The ~~pharmaceutical~~ composition of claim 1, wherein said ~~HVEM~~ polypeptide comprises amino acids 1-185 of human HVEM.

3. (amended) The ~~pharmaceutical~~ composition of claim 1, wherein said ~~HVEM~~ polypeptide is soluble.

4. (amended) The ~~pharmaceutical~~ composition of claim 3, wherein said soluble ~~HVEM~~ polypeptide does not comprise a rabbit immunoglobulin heavy chain amino acid sequence.

5. (amended) The ~~pharmaceutical~~ composition of claim 1, wherein said cDNA comprises nucleotides ~~is the sequence of SEQ ID NO:1 from nucleotide position~~ 294 to ~~nucleotide position~~ 1142 of SEQ ID NO:1.